

MINUTES
BOARD OF ADJUSTMENT OF THE CITY OF UNIVERSAL CITY, TEXAS
Regular Meeting, Monday Evening, 23 September 2019

1. CALL TO ORDER: Chairwoman Chery Maxwell at 6:00 PM.

2. QUORUM CHECK: Michael Cassata, Development Services Director

Members Present:
Cheryl Maxwell, Chairwoman
Mary Andrews, Member
John Hudson, Member
Lori Putt, Member
Roger Pritt, Member (alt.)
Jim Vinci, Member
William Fitzpatrick, Member

Present:
Michael Cassata, Development Services Director
Kim M. Turner, City Manager

Member Absent:
Michael Murray, Member

3. MINUTES OF PREVIOUS MEETING:

Regular Meeting – 22 July 2019

Ms. Putt moved to approve the minutes as presented. Mr. Hudson seconded the motion. The minutes were approved without correction on a 7-0 vote.

4. NEW BUSINESS:

- A. **Public Hearing** to hear public input on V.C.648—A request for a variance for property zoned R2 – Low Density Residential at 8403 Zodiac Drive (CB 5047H BLK 12 LOT 4) to allow a permanent accessory structure (pool and related patio and equipment) in an easement, per zoning ordinance 581.

Chair Maxwell introduced the project and related variance request.

Mr. Cassata further described the variance request. He explained the petitioner obtained written approval from the Public Works Department, AT&T, CPS Energy, and both adjacent neighbors. He added that the Building Official had an in-depth discussion with the petitioner and his contractor regarding meeting the International Building Code requirements.

Chair Maxwell noted the petitioner was not present. There being no comments from the public, she closed the public hearing at 6:04 p.m.

- B. **Consider:** V.C.648—A request for a variance for property zoned R2 – Low Density Residential at 8403 Zodiac Drive (CB 5047H BLK 12 LOT 4) to allow a permanent accessory structure (pool and related patio and equipment) in an easement, per zoning ordinance 581.

Chair Maxwell opened the item for discussion.

Mr. Vinci expressed concern that the petitioner was not present to answer questions and provide more details as to why the variance is needed to provide erosion control.

Mr. Cassata provided a summary of City staff's interactions with the petitioner, including the Director of Public Works and the Building Official.

Mr. Vinci reiterated his concern and said he would vote no without the petitioner present or vote to table the matter.

Upon Chair Maxwell's inquiry, Mr. Cassata confirmed the neighbor to the rear provided written approval, the affected utility companies had signed off, and the Building Official was satisfied. Chair Maxwell suggested the petitioner may have felt comfortable not appearing since City staff, affected utility companies and adjacent neighbors all issued approvals.

Mr. Pritt expressed the same concerns as Mr. Vinci.

Ms. Turner informed the Board of their options, including tabling the matter or voting to approve or disapprove the request. She further stated that if the request is voted down, then the petitioner could not reapply for the same variance for at least one year.

Mr. Fitzpatrick and Ms. Putt said they do not have an issue with voting to approve the requested variance since all affected parties have provided written approval.

Mr. Vinci said the Public Works Director and Building Official should be present to answer questions regardless of having provided written and verbal approval.

Ms. Turner read the letters in support of the requested variance from the two adjacent neighbors.

Mr. Vinci suggested the matter be tabled to avoid an unnecessary denial. Ms. Turner reminded the Board that six votes are needed to approve the variance request.

Mr. Pritt agreed the matter should be tabled.

Mr. Cassata informed the Board the improvement has already been installed and explained that if the request is denied, then City staff would have to decide whether to allow the homeowner to keep the improvement during the twelve-month waiting period or remove the improvement.

Chair Maxwell suggested the matter be tabled to allow the petitioner the opportunity to address the Board.

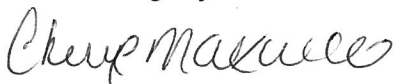
Mr. Hudson motioned to table the item to the next meeting. The motion was seconded by Mr. Pritt and was approved on a 7-0 vote.

5. CITY MANAGER REPORT:

Ms. Turner provided an update on upcoming City events and the outcome of two recent conditional use permit requests.

6. ADJOURNMENT:

The meeting adjourned at 6:23 PM.



Cheryl Maxwell
Chair